

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

-----X	
ARY JEWELERS, LLC,	:
	:
Plaintiff,	:
	:
v.	:
	:
IBJTC BUSINESS CREDIT CORP.	:
and DAVID MOLINARIO,	:
	:
Defendants.	:
-----X	

Civil Action No. 04-cv-10281-EFH

AFFIDAVIT OF KATE CIMINI

I, KATE CIMINI, hereby affirm as follows:

1. I am an attorney at the law firm of Ropes & Gray LLP, counsel to defendants in this action. I submit this affidavit in support of defendants' motion for summary judgment, and in order to transmit to the Court the documents appended hereto.
2. Attached hereto as Exhibit A is a true and correct copy of Plaintiff's Responses to Defendant's Requests for Admissions, served by fax on March 15, 2005.
3. Attached hereto as Exhibit B is a true and correct copy of an article published on the website of The New York Times.
4. Attached hereto as Exhibit C is a true and correct copy of a brochure produced by ARY in this action.

5. Attached hereto as Exhibit D is a true and correct copy of a document authored by Gohar Husain of ARY and sent by fax to Abdul Razzak of ARY, dated March 21, 2001. The authenticity of this document has been stipulated by plaintiff. See Exhibit A, p. 3, ¶2, attached hereto.

6. Attached hereto as Exhibit E is a true and correct copy of a letter dated April 5, 2001 from Abdul Razzak to Scott W. Krigel. This letter was authenticated by Mr. Razzak during his deposition. See Exhibit I (Razzak Dep.) at 43:16-24, attached hereto.

7. Attached hereto as Exhibit F is a true and correct copy of an order entered by the United States Bankruptcy Court for the Western District of Missouri, dated May 1, 2001, authorizing the sale of Krigel's, Inc. to Hannoush Jewelers, Inc.

8. Attached hereto as Exhibit G is the Affidavit of Max Jevinsky, an attorney for ARY, which was signed in *M. Fabrikant & Sons, Inc. v. ARY Jewelers, LLC*, Civil Action No. 01-0671, a case previously litigated by ARY in the United States District Court for the Western District of Missouri.

9. Attached hereto as Exhibit H is a true and correct copy of a portion of the deposition transcript of David Molinario, taken on December 1, 2004.

10. Attached hereto as Exhibit I is a true and correct copy of a portion of the deposition transcript of Abdul Razzak, taken on May 10, 2005.

11. Attached hereto as Exhibit J is a true and correct copy of a portion of the deposition transcript of Thomas Morgan, taken on June 15, 2005.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 24th DAY OF
OCTOBER, 2005.

/s/ Kate Cimini

Kate Cimini